

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ROBERT H. DARVILLE, *et al.*

PLAINTIFFS

CIVIL ACTION NO. 5:20cv180-KS-MTP

N. FORREST GERMANY, *et al.*

DEFENDANTS

ORDER

THIS MATTER is before the Court on the Order to Show Cause signed by Magistrate Judge Michael T. Parker and entered on December 9, 2020. [ECF No. 25] (the “Show Cause Order”). The Show Cause Order addressed the issue of Plaintiffs’ failure to prosecute this action against Defendant Rosewood Partners, LLC (“Rosewood”). As the Magistrate Judge observed, Rosewood has not appeared in this action, and, other than filing proof of service on CT Corporation as registered agent for Rosewood [ECF No. 1-4 at 47], Plaintiffs have taken no action regarding this defendant. The Court also notes that the Mississippi Secretary of State website shows Rosewood to be a dissolved limited liability company. See Mississippi Secretary of State website, <https://corp.sos.ms.gov/corp/portal/c/page/corpBusinessIdSearch/portal.aspx#> (last viewed 1/29/2021).

The Show Cause Order required that the Plaintiffs show cause, in writing, on or before December 31, 2020, why Rosewood should not be dismissed for the Plaintiffs’ failure to prosecute or pursue their claims. The Plaintiffs have failed to do so.

The Show Cause Order further ordered that “**should Plaintiffs’ fail to file a timely response or show sufficient cause by December 31, 2020, Defendant Rosewood may be dismissed without prejudice and without further notice.**” (emphasis in the original).

Given that Plaintiffs have not filed a response and have failed to comply with the Show Cause Order, the Court finds that dismissal of Rosewood is appropriate.

ACCORDINGLY,

IT IS HEREBY ORDERED that the Defendant Rosewood Partners, LLC is dismissed from this action without prejudice.

SO ORDERED, this the 29th day of January, 2021.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE